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**TITLE 170 INDIANA UTILITY REGULATORY  
COMMISSION**

**Proposed Rule**  
LSA Document #02-44

**DIGEST**

Amends 170 IAC 4-1-26 concerning electrical line construction and variances. Effective 30 days after filing with the secretary of the state.

**170 IAC 4-1-26**

SECTION 1. 170 IAC 4-1-26 IS AMENDED TO READ AS FOLLOWS:

**170 IAC 4-1-26 Line construction; variances**

**Authority:** IC 8-1-1-3; IC 8-1-2-4

**Affected:** IC 8-1-2

Sec. 26. (a) In all cases not covered by specific statutes in effect, Part 2, "Safety Rules for the Installation and Maintenance of Overhead Electric Supply and Communication Lines", and Part 3, "Safety Rules for the Installation and Maintenance of Underground Electric Supply and Communication Lines", of the ~~1997~~ **2002** edition of the National Electrical Safety Code as approved by the American National Standards Institute June ~~6, 1996~~, **14, 2001**, as ANSI Standard C2, are prescribed for overhead and underground construction practice commenced after the date of promulgation of this section.

(b) **The commission incorporates by reference the 2002 National Electrical Safety Code. Copies of the 1997 edition of the National Electrical Safety Code are available for purchase may be obtained from the Institute of Electrical and Electronics Engineers, Inc., 445 Hoes Lane, Piscataway, New Jersey 08855-1331 or are available for copying at the Indiana Utility Regulatory Commission, Indiana Government Center-South, 302 West Washington Street, Room E306, Indianapolis, Indiana 46204.**

(c) Any public utility wishing to depart from the National Electrical Safety Code:

- (1) for the purpose of experimentation or the development of improved methods of construction;
- (2) because it works an injustice or expense not justified by the protection secured or is shown to be impractical; or
- (3) where equivalent or safer construction can be more readily provided in other ways;

may informally petition for authorization to construct, install, or use materials, equipment, or methods other than specified in this rule, directing such petition to the engineering department of the commission. The petition shall be accompanied by the consent of any other utility whose facilities will be directly affected by the proposed departure from this rule. The engineering department shall forthwith make an investigation and, if satisfied that such petition falls within one (1) or more of the three (3) categories set forth in this subsection and is justified from an engineering standpoint, shall so advise the commission. The petitioning utility and any consenting utility shall thereupon be notified, in writing, that the proposed departure from this rule has been authorized. (*Indiana Utility Regulatory Commission; No. 33629: Standards of Service For Electrical Utilities Rule 24; filed Mar 10, 1976, 9:10 a.m.: Rules and Regs. 1977, p. 356; filed Feb 28, 1986, 9:30 a.m.: 9 IR 1564; filed Oct 7, 1987, 12:30 p.m.: 11 IR 565; filed Oct 15, 1990, 3:28 p.m.: 14 IR 418; filed Jan 28, 1993, 9:00 a.m.: 16 IR 1510; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2325; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

**Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on July 2, 2002 at 9:30 a.m., at the Indiana Government Center-South, 302 West Washington Street, Room TC10, Indianapolis, Indiana the Indiana Utility Regulatory Commission will hold a public hearing on proposed amendments on electrical line construction and variances. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E306 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

William D. McCarty  
Commission Chairman  
Indiana Utility Regulatory Commission